



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,080	12/12/2001	Kotaro Fujino	2462-130US	6925

7590 09/07/2005

Richard C. Woodbridge, Esq.
Woodbridge & Associates, P.C.
P.O. Box 592
Princeton, NJ 08542-0592

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,080

Applicant(s)

FUJINO ET AL.

Examiner

Victor Lesniewski

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 6/16/2005 has been placed of record in the file.
2. Claims 1, 2, and 11 have been amended.
3. Claims 1-6 and 9-11 are now pending.
4. The applicant's arguments with respect to claims 1-6 and 9-11 have been considered but are moot in view of the following new grounds of rejection.

Response to Amendment

5. Claims have been amended to show support funds being directly proportional to a number of votes. The amendment proves a change in scope to the independent claims as the independent claims now explicitly state support funds being monetary rewards directly proportional to said number of votes cast for said artist or artistic work based on a predetermined rate. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2152

7. Claims 1, 4-6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chacker (U.S. Patent Number 6,578,008) in view of Rasmussen et al. (U.S. Patent Number 6,343,990), hereinafter referred to as Rasmussen.

8. Chacker disclosed an online talent business wherein the public votes on which artists they like. In an analogous art, Rasmussen disclosed an Internet site enabling participants to submit content and view the submissions of others. Similar to Chacker's system, Rasmussen's system allows users to vote for the content they like the best.

9. Concerning claims 1 and 11, Chacker did not explicitly state that his system could charge fees to supporters according to the number of votes cast and a predetermined unit fee per vote. However, Rasmussen discloses charging a fee for accessing his Internet site wherein the fee allows the participant a certain number of votes. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Chacker by adding the ability to charge fees to supporters according to the number of votes cast and a predetermined unit fee per vote as provided by Rasmussen. Here the combination satisfies the need for online sites that present artists' works for review by the public and obtain feedback from the public on which artists they prefer. See Chacker, column 4, lines 6-15.

10. Also concerning claims 1 and 11, Chacker did not explicitly state that his system's support funds could be monetary rewards directly proportional to the number of votes cast. However, Rasmussen discloses redeeming accumulated votes for cash. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Chacker by adding the ability to maintain support funds being monetary rewards directly proportional to the number of votes cast for the artist or artistic work as provided by

Art Unit: 2152

Rasmussen. Again the combination satisfies the need for online sites that present artists' works for review by the public and obtain feedback from the public on which artists they prefer. See Chacker, column 4, lines 6-15.

11. Thereby, the combination of Chacker and Rasmussen discloses:

- <Claim 1>

An artist supporting and mediating system comprising: one or more pre-registered artists (Chacker, column 6, line 63 through column 7, line 3); one or more supporters, said supporter being distinct from said pre-registered artist (Chacker, column 7, lines 1-7); a vote accepting computer that accepts votes from said one or more supporters for said pre-registered artists or their artistic works (Chacker, column 8, lines 2-6); a fee collecting computer that handles a process of charging fees to said supporters according to numbers of votes cast and a predetermined unit fee per vote (Rasmussen, column 4, lines 10-14 and column 4, line 53 through column 5, line 17); a vote tabulating computer that tabulates votes for each of said pre-registered artists or said artistic work (Chacker, column 8, lines 56-64); and a support fund distributing computer that distributes support funds to said artist or an artist who produced said artistic work (Chacker, column 8, lines 64-66 and column 9, lines 14-18), said support funds being monetary rewards directly proportional to said number of votes cast for said artist or artistic work based on a predetermined rate (Rasmussen, column 2, lines 44-46 and column 9, lines 37-44).

- <Claim 4>

The artist supporting and mediating system described in claims 1 further comprising a vote trade mediating computer that mediates trades of votes owned by said supporters (Chacker, column 13, lines 29-37).

- <Claim 5>

The artist supporting and mediating system described in claims 1 further comprising a audio/visual distributing service computer that provides a service of audio/visual distribution of artistic works of preregistered artists to said supporters (Chacker, column 8, lines 34-44).

- <Claim 6>

The artist supporting and mediating system described in claims 1 further comprising a browsing/searching service computer that provides a service of allowing said supporters to browsing and/or searching attributive data of preregistered artists (Chacker, column 6, lines 11-16).

- <Claim 9>

The artist supporting and mediating system of claim 1 further comprising supporters' terminals connected to said system and each said computers are interconnected via a computer network (Chacker, figure 4, item 122).

- <Claim 10>

The artist supporting and mediating system of claim 1 further comprising artists' terminals connected to said system and each said computers are interconnected via a computer network (Chacker, figure 4, item 122).

Art Unit: 2152

- <Claim 11>

Artist supporting and mediating system comprising: a vote accepting computer that accepts votes from supporters of preregistered artists or their artistic works (Chacker, column 8, lines 2-6); a fee collecting computer that handles a process of charging fees to said supporters according to numbers of votes cast and a predetermined unit fee per vote (Rasmussen, column 4, lines 10-14 and column 4, line 53 through column 5, line 17); a vote tabulating computer that tabulates votes for each artist or artistic work (Chacker, column 8, lines 56-64); a support fund distributing computer that distributes support funds to said artist or an artist who produced said artistic work (Chacker, column 8, lines 64-66 and column 9, lines 14-18), said support funds being monetary rewards directly proportional to to said number of votes cast for said artist or artistic work based on a predetermined rate (Rasmussen, column 2, lines 44-46 and column 9, lines 37-44); supporters' terminals connected to said system (Chacker, figure 4, item 122); and, artists' terminals connected to said system (Chacker, figure 4, item 122), wherein said computers are interconnected via a computer network (Chacker, figure 4, item 124).

Since the combination of Chacker and Rasmussen discloses all of the above limitations, claims 1, 4-6, and 9-11 are rejected.

12. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chacker in view of Rasmussen, as applied above, further in view of Feidelson et al. (U.S. Patent Number 6,345,261), hereinafter referred to as Feidelson.

Art Unit: 2152

13. The combination of Chacker and Rasmussen disclosed an online talent business wherein the public votes on which artists they like and wherein the public can participate in an interactive investment game. In an analogous art, Feidelson disclosed a customer loyalty investment program where members of the public invest in merchants' securities based on products which they consume.

14. Concerning claim 2, the combination Chacker and Rasmussen did not explicitly state distributing dividends to each supporter according to the number of votes cast by said supporter or the number of votes owned by said supporter, said dividend entitling said supporter to a predetermined participation in future revenue generated by said artist. However, Feidelson discloses a system that offers members shares in an investment fund as an award for purchasing products or services from a particular merchant. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Chacker and Rasmussen by adding the ability to distribute dividends to each supporter according to the number of votes cast by said supporter or the number of votes owned by said supporter, said dividend entitling said supporter to a predetermined participation in future revenue generated by said artist as provided by Feidelson. Here the combination satisfies the need for a user-friendly investment-based customer award program that is attractive to both merchants and customers. See Feidelson, column 2, lines 1-3.

15. Thereby, the combination of Chacker, Rasmussen, and Feidelson discloses:

- <Claim 2>

The artist supporting and mediating system described in claim 1 further comprising a dividend distributing computer that distributes dividends to each supporter according to

Art Unit: 2152

the number of votes cast by said supporter or the number of votes owned by said supporter, said dividend entitling said supporter to a predetermined participation in future revenue generated by said artist (Feidelson, column 4, lines 39-58).

- <Claim 3>

The artist supporting and mediating system described in claim 2 wherein said dividend distributing computer distributes dividends when profits generated by artistic activities of said artist match with a predetermined condition (Chacker, column 8, line 56 through column 9, line 9).

Since the combination of Chacker, Rasmussen, and Feidelson discloses all of the above limitations, claims 2 and 3 are rejected.

Conclusion

16. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2152

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



Dung C. Dinh
Primary Examiner